

**Wittels
McInturff
Palikovic**

December 12, 2024

Via ECF

The Hon. Cathy Seibel
United States District Court
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

Re: *Cap 111 Enters. LLC v. Manhattan Beer Distribs., LLC*, Case No. 22 Civ. 1408 (CS)

Dear Judge Seibel:

On behalf of Plaintiffs and the proposed Class we write with Defendants' consent to advise Your Honor that the unopposed motion for preliminary approval of the parties' class action settlement filed earlier this week at ECF No. 190 is now fully briefed.

Pursuant to Your Honor's Individual Practices 1.F and 2.B.ii, courtesy copies of the motion and supporting documents are enroute to the Court.

We are enclosing hereto for the Court's endorsement the proposed preliminary approval order that will authorize dissemination of notice to the Class (this order is included as Exhibit B to the Declaration of J. Burkett McInturff in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of the Class Action Settlement and Related Relief, ECF No. 192-2). For the Court's convenience, we are also providing a Word document to Chambers via email.

The date Your Honor signs the preliminary approval order and schedules the fairness hearing triggers the various deadlines for consummating the settlement. Per the enclosed preliminary approval order, the fairness hearing should be scheduled at least 120 days after entry of the preliminary approval order to allow time for the notice program to run its course. If the Court were to endorse the preliminary approval order by next Thursday, December 19, the final fairness hearing could occur as early as Friday, April 18, 2025.

The parties also respectfully request Your Honor direct that the fairness hearing be in person, subject to modification if circumstances warrant.

Thank you for the Court's consideration of this request.

Respectfully submitted,

/s/ J. Burkett McInturff

J. Burkett McInturff

*Counsel for Plaintiffs and the
Proposed Class*

cc: All counsel of record (via ECF and email)